## THE COURTS.

TRIAL OF WM. M. TWEED.

A Spicy Day's Proceedings --- Sensations and Snarls in Court---Garvey and Davidson Telling All They Know About It--Tweed and Garvey Exchange "Civilities "--- Ilow "Swag" Was Drawn.

THE DEPUTY CHAMBERLAINSHIP.

Conclusion of the Argument Upon the Palmer Foley Injunction-Question as to the Jurisdiction of the Court-It is Claimed that the Matter Can Only Be Settled by Que Warranto Proceedings-An Early Decision To Be Given.

THE HON. JUDGE NELSON.

His Retirement from the United States Supreme Court.

FIFTY YEARS UPON THE BENCH

Important Meeting of the Bar.

An Address To Be Presented to the Great Jurist.

Eloquent Spea hes of Charles O'Conor, William M. Evart. Edwards Pierrepont and Cla rence A. Seward.

DERELICTION OF PA'LICE MAGISTRATES.

Delaying the Examina ion of Parties Charged with Crime-A O se To Be Investigated To-Day in the Supreme Court on Writ of Habeas Ca rpus.

BUSINESS IN THE OTHER COURTS

Decisions - General Sessions -Summaries, &c.

In the Tweed trial yesterday there was considerable excitement created by the appearance of Andrew J. Garvey as a witness for the prosecution. The witness' testimony was substantially the same as he gave on the trial of Mayor Hall; nevertheless the audience experienced the full effect of the sensation. J. McBride Davidson was also examined, and the testimony of ex-County Auditor Lynes was concluded. The Court stands adjourned

Chase was not resumed yesterday, in consequence of the death of a near relative of one of the jurors. The trial will be continued on Monday next, at

day a meeting of members of the Bar of this city and State was held under the presidency of Mr. Charles O'Coner, for the purpose of taking measures to present a suitable address to the Hon. Judge Samuel Nelson on his retirement from the bench which will be found in another column, was adopted. Speeches suitable to the occasion were and Mr. C. A. Seward.

Yesterday William J. Healy, Paymaster of the defraud the government by presenting false vouchers of the funds in his possession to the custody, having given \$5,000 ball before Commis-

Barbour, of the Superior Court, in the further hearing of counsel upon the subject of the Palmer-Foley injunction. Mr. Poley's counsel, Sharply, contended that the Court was not a court of competent jurisdiction, and that it could not grant the injunction asked for, the proper remedy being by quo tour anto proceedings to be instituted by the Attorney General of the State. The other side, of course, insist that their proceedings are regular and that they are clearly had been brought to a close, Judge Barbour took the papers on both sides and said that he would give a decision at an early day. The temporary injunction meantime remains in full force till his

lice courts of delaying the examination of parties charged with crime. In the case in point the exthe arrest. The Judge pronounced this all wrong, and the party in question is to be brought before him this morning on writ of habeas corpus.

## THE TWEED TRIAL.

McBride Davidson and Andrew J. Garvey on the Stand-Rencontre Between the Ex-Boss and the Late City Plac-

terer—A Sensation in Court.

The Tweed trial yesterday proved a little more interesting than on preceding days, in consequence of two witnesses being produced who, for work done and materials furnished the city in the palmy days of the old Tammany regime, are popularly supposed to have handled considerable of the people's money. These gentlemen were J. McBride Davidson, the "ring" safemaker, and Mr. Andrew J. Garvey, the plasterer, decorator and builder.

When the name of A. J. Garvey was called by the clerk as a witness Mr. Tweed's excitement was something remarkable. In fact he looked like a lion restrained from tearing in pieces some choice

ion restrained from tearing in pieces some choice morsel that was within sight and had excited his rage and appetite. Mr. Garvey presented himself when called with great deliberation, and took his seat on the witness stand, the excitement being seat on the witness stand, the excitement being intense among the assembled spectators. A rencontre which took place after the recess will be found in the report of the afternoon proceedings below. The morning proceedings consisted of the putting in of secondary evidence from the record and audit books and the warrants of the contents of the missions where

Bench, read out from a list the number of a war-rant. Mr. Stephen C. Lynes, who was county bookkeeper under Connolly, sat in the witness chair, with the record book on his knees, and read out the corresponding entry of name, amount, &c., from the book. Mr. Burrill, apparently immersed in the printed report of the Hail trial, sat below

desk, but closely watching the documents as put in

witness stated, in reply to a question from Mr. Peckham, that he did not know of any other books

cussion, as to the nature of the questions to be asked. In every instance the defence took excepto the routine at the Comptroller's office, that were returned from the Chamberlain's office to the Comptroller's office, they were not always filled in by him, but in some instances by County Auditor

A novel feature in the cross-examination of Mr Lynes was his being handed the minutes of his testimony on the Hagerty and Baulch examination, and asked to read questions and answers, and say whether he would give the same answers now.

On the prosecution calling John McBride David-son to the stand, the defence made this objection: liability presented to the Board of Audit by Keyse & Co., and that the Board did not doubt it; while on the third that it was partly true and partly false. Now, on the Hati trial this witness was

chilterate the counts inconsistent with the evidence.

Judge Davis—I imagine that they will not prove any particular count to be true and faise—there is no danger of that.

Counsel for defence—There is danger of everything from the way they have acted.

Judge Davis—I don't know anything about the Hall trial; Lace nothing in the objection—they are not restricted from preving the nature of any claim, whether true or false.

Counsel—They state the claim to be genuine, and they state it to be augmented two-thirds.

Judge Davis overruled the objection.

Mr. Davidson then testified that he is a safe manufacturer, doing business in Duane atreet; he did work for the city in 1870; he made up his bill and presented it to Mr. W.odward.

Q. How much was that for?

Counsel—I object to the question and answer, and to each and every question and answer relating to what passed between him and Woodward, as a res tater allow acts, and Mr. Tweed not being present.

The witness then testified to his claim being for

lating to what passed between him and woodward, as a res stater allos acta, and Mr. Tweed not being present.

The witness then testified to his claim being for \$16,940, which was raised in the warrant to \$45,170 40, out of which he got a check for \$16,940 from Mr. Watson, to whom he was sent by Mr. Woodward; he was first asked to write his name across the back of the warrant by Mr. Watson, and he was not then aware that the sum had been raised on the warrant.

In reply to Mr. Fullerton the witness stated that he did business with the cirv for four or five years previously; all his dealings were with Mr. Woodward or Mr. Watson, and he had no connection whatever with Mr. Tweed; the bill for \$16,940 was presented in the usual form; from first to last he had no business with Mr. Tweed about a safe or anything clae; no one was present except Mr. Watson; when the laster put the warrant face down before him witness was going to turn it over, and Mr. Watson said, "You endorse it;" he did not prevent him in any other way from turning it.

Judge Davis—Did he keep his hand on it?

Mr. Pavidson—He did.

Mr. Fullerton—All the time?. A. No, sir.

Q. There was nothing unusual—nothing to excite your suspicion? A. Nothing; he said, "lou endorse the warrant and I'll get you your check."

ANDREW J. GAMYNY,

Was here called upon. Defendant's counsel asked

your suspicion? A, Nothing; he said, "lou endorse the warrant and I'll get you your check."

Was here called upon. Defendant's counsel asked the Cherk for the indictment against that witness, and said that the defence had a notion of indicting him when he came into Court.

When Mr. Garvey was seated and sworn he testified that his occupation was that of a plasterer, and he did work for the city and had claims against whe city in 1870 for work done and some constracted to be done; Mr. Woodward and himself had a conversation about those bills; after the conversation with Woodward he put in a claim for \$110,000 partly for work done and partly lor work to be done; he claimed \$78,000 for work done on the county offices and \$75,000 for work one on the county offices and \$75,000 for work on the armories; there were also claims against Woodward and Tweed.

The defence objected that this witness ought to be hemmed in closely in his statement of claims, and abould not be allowed to work on individuals. That witness was presented to them under Two INDICTMENTS FOR FORGERY in the third degree, and had come before him to gain his liberty from two state Prison offences, and from the consequences of suits for \$0,000,000 as a participator in these alleged frauds. No witness was persented to them the conversations with Watson, who is dead, and Woodward, whom they have driven from their jurisdiction by their foundationless indictments. The testimony new offered was simply calculated to excite prejudice against the deiendant.

The Court admitted the testimony as competent to show that the defendant nudited unjust claims

The audience began to reassemble in Court at a quarter past one o'clock, and the general appearance of the room was neofind in the extreme, and quite a buzz of conversation ensued. Mr. Garvey was the first gentleman on the people's side of the house to appear; and, as he entered the anteroom, ance of the room was menting in the extreme, and quites buzz of conversation ensued. Mr. Garvey was the first gentli man on the people's side of the house to appear; and, as he entered the anteroom, Mr. Tweed caugot sight of him through the open door at the back of the jury box. Mr. Tweed arose very rapidly and walked into the anteroom, and took a position near the door and within three feet of Garvey. Both men were standing and were admirable contrasts. Garvey, tall, sraight and good-jooking, had a pleabant, quiet demeanor and expression. Tweed, corpulent and frowy-looking, was violently and nervously agitated with the anger he feit and showed toward the great revesler. His eyes fairly glowered upon Garvey, and his arms twitched as though they involuntarily wanted to reach for something. When Garvey advanced toward the deor of the court roem Tweed turned so asto enter with him, and his lips could be seen in rapid action and his atterances, which were in a lew tone, were evidently abusive and angry. Garvey took comparatively little notice of Tweed on the court roem of the push of the court roem of the roem of the court roem of the court roem of the court roem of the roem of the court roem of the roem of t

having reference to Ingersoll's instructions to him.

Counsel for the defence got up, and with an assumed dignity that was a sarcastic insuit to the Court, said:—

"So far as the word 'Jimmy' is concerned we ask that it be stricken out of the witness' answer, and would also ask what the definition of the term may be."

While another fencing tirade was going on among counsel Judge Davis elicited from the witness the fact that the word 'Jimmy," as used by him, was intended to mean ingersoll. When counsel had got out all the ungentlemanty solto wore siurs that the opportunity presented they paid attention to the Court, who ruled:—

"I must admit this jestimony commission the

Another objection was made to the answer, which am exception noted.

Witness continued—Under that arrangement there was a house and coach house to be built for Comptroker Connolly; I was to do the work and Watson and ingersol asked me what it would cost to do it; I said it would cost about one hundred and twenty or one hundred and twenty for one hundred and twenty or one hundred and twenty of the commence the work; I received checks in payment for the work from time to time from Ingersol, and ingersoli drew the warrants on the county and gave me a percentage by his personal check; the endorsement upon these checks (produced) is "James H. Ingersoli." Objection by the defence overruled and exception taken.

While the objection was being discussed by counsel the witness made a remark, apparently to explain himself or clear away a misunderstanding on the part of counsel. One of the defendant's counsel, noted for his LACK OF BIOMITY

before all Courts, jumped up and said, "Come come! Every time there is a discussion or anything needs to be well said this witness puts in his car, and it's got to be stopped!"

Witness to the Court)—These seven warrants were not drawn for work done on Connolly's house, but for work to be done; they were paid in advance; the only work done on Connolly's house, but for work to be done; they were paid in advance; the only work done was drawing the plans and digging the foundations of the house.

To Mr. Peckham—Alter these bills were made out I would call on Mr. Woodward and we went to the Supervisors' room, in the west end of this building; there was a reporters' table there, and we sat down to it, and Woodward would get from me every check and then give me the warrant; I gave my check belore I drew the amount of the warrant for sixty-five per cent of what the warrant aniled for; that was almost the invariable handwriting. (A bill and certificate were shown to witness.)

I CANNOT SWEAR

I CANNOT SWEAR

I CANNOT SWEAR
that the names were written upon all of them as upon this; I have seen them like this with Tweed's signature; sometimes I objected to the amount of the checks I was saked to sign and Woodward told me that Watson made out the bills and it would be

me that Watson made out the bills and it would be all right.

The defence objected to what anybody told the witness, and in the course of his remarks the counsel took occasion to instruct the Court plumpily that "the Court ought to rule" in a certain way according to counsel's ideas.

Witness continued—Woedward always had his bank book with him; I went with him generally to the Broadway Bank, and Woodward always made a deposit to Tweed's account; I made three deposits myself, personally, to Tweed's account; I have known Tweed about twenty years; I do not know whether the vouchers for these thirty-four warrants were ever brought before any Board of Audit; I never presented the claims they represented before any Board, and never authorized any one size to present them.

Audit; I never presented the claims they represented before any Board, and never authorized any one gise to present them.

Q. Give the more definitely the character of these bills made out in pursuance of this arrangement with Woodward (handing witness a bill). Objection made by defence that the witness must explain from memory what the peculiar form of the bill wal, what marks it bore, &c., without looking at this will and saying "it was like that."

Warrant, marked "Exhibit No. 41," was handed to witness, who testified—The bill for this warrant would embrace—

Counsel for defence—Never mind what it "would embrace;" tell us what it sctually did embrace. Witness—It embraced, as near as I understand it, repairs, mason work, expentering, scandolding and painting, and graining work, probably.

QUITE A DISCUSSION ENSUED

as to how far the witness was bound to testify in reference to exact specifications of number of days' work done, amount of material specified in each bill, and so forth. It was ended by the witness being permitted to tell to the best of his recollection, by looking at the warrants, the nature and kind of work named in each bill. There were about fifty-iour warrants in all, marked as exhibits. During one part of the identification and explanation he said—

"The bill for this warrant was for material and

these also are my returned checks paid at the bank; I think those letters in pencil (initials R. A. W., were written on the backs of the checks by the teller of the Broadway Bank; these checks were given for—
Defendant's counsel (savagely)—Now never mind telling us what these checks were given for—
Witness (sharpiy)—Then what am I to tell?
Counsel (savage sgain)—Tell us that they are checks and stop there; that's all. (Laughter.)
We object to snything further.
The Court—Do you object to the witness stating what these checks were given for?
Counsel—We do,
The Court (to counsel)—Well, then, note your exception. (to witness)—Go on.
Witness—These checks were given by me and represent to me sixty-five per cent of the amount of my original bills; it was requested to draw these checks, and then Woodward would shove me over the warrants, which left me to receive thirty-five per cent of what they called for.
The checks were all drawn payable to witness' own order, and all the warrants and checks were admitted in evidence.
Witness resuming—This obeck for \$10,000 I gave to Mr. William E. King for Mr. Tweed. (Objections flew up at the Judge from the whole array of Tweed's counsel. The Court admitted the oheck and the testimony on the statement of the prosecution that they would connect Tweed with the transaction. If they failed to so connect him, the Court said, it would all be stricken out.) I gave this check to my brother to take to Mr. King for Mr. Tweed; this other cheek is for \$40,000; it was shout the month of April; Ingersoil came to me and said to me—

(Objections and interruptions by the defence as to indefiniteness of what third parties say about old men, &c.) Said he, "The old man wants"—meaning I weed—

(Objections and interruptions by the defence as to indefiniteness of what third parties say about old men, &c.) Said he, "The old man wants about the month of April; Ingersoil came to me and said to me—

(Objections and interruptions by the defence as to indefinite men of the county for it, and you missed to kno

County Court House in 1867; my bills were paid at that time.

Objected to by defence, with the remark, "We know what this is leading to,"

Mr. Peckham stated to the Court that he proposed to show that in 1867 the witness paid to Mr. Tweed fifteen per cent of the amount of all bills presented by the witness for work done by the county. (Objection was overruled.)

Witness continued—I was given work upon this building, and asked Mr. Tweed about the bills; he said to me, "Make out your bills fifteen per cent above your charges;" I asked him what I should do then, and he told me to give the fifteen per cent to him and he would take care of my bills; I always handed him after that the fifteen per cent personally, in an envelope; that arrangement was ended because one day, when I was handing him the envelope, by awawardness, I dropped the envelope; there were other people in the room, and Tweed stooped down beside his desk, picked up the envelope and put it in his drawer; after-

that receipt in accordance with instructions; this was a receipt for work down down at greenwich.

There of tole, me on one occasion, "If anybody asks yes tell them you received no money from anybody but watson?" that was about the 13th or 15th of September, 1871; it was a few days before they got me out of the country.

A snarl here ensued between counsel as to the propriety of the witness using the term "they," and whe ther the answer in Mar respect should be stricken out. At the suggestion of the Court the witness modified his answer so a to make it read "A few days before I leif the country."

Witness renumed—I remember a ing once to Mr. Tweed's office with Woodward; Voodward had some papers in his band, papers that looked like youthers, and Woodward said to me, "You will get some money to-day," or "We shall got money to-day," or words to that effect; he left me and went into Mr. Tweed's office, and when he came back he made the same remark; I cld not see these mapers signed by Mr. Tweed, but I saw them after, ards; woodward and I went over to the bank and a got some payments that day; I presume these payments that day it presume these payments that

were certificates of audits.

THIS CLOSED THE DIRECT EXAMINATION

of the witness. After a short discussion by the
counsel and the Court it was decided not to commence the cross-examination of the witness, it
being already half-past three o'clock. The Court
ordered an adjournment until Monday morning at
half-past ten, and announced its determination to
sit until four o'clock every day until the close of the
trial.

## THE DEPUTY CHAMBERLAINSHIP.

The Injunction Asked for Against Poley by Chamberlain Palmer-Completion of the Argument Before Judge Bar-bour-An Early Decision Promised.

There was a confinuation yesterday before Judge Barbour of the Superior Court of the argus Chamberlain, restraining John Foley from as-suming to act as Deputy Chamberlain under his appointment by the Comptroller. Prancis A. Palmer, the Chamberlain, the rival contestants present, as also the five contestants for the office of deputy under him—Francis B. Palmer and John Poley. Each side was represented by their respective counsel, Messrs, ex-Judge Edmonds and Abraham R. Lawrence representing Chamberlain Palmer, and Messrs. A. R. Dyett, John Foley. As the continuation of the argument was only an enlarged repetition of the previous argument when Deputy Chamberlain Palmer was the applicant for a similar injunction, and which was ully reported at the time by the Herald, it is unssary to give more than the salient points. PRELIMINARY POINTS

Mr. Strahan opened the renewal of the argument by showing how, under the Statutes of 1843, the Comptroller appointed the Deputy Tax Receivers and how, under a subsequent act, he appointed the deputies in the Department of Public Works. Judge Barbour remarked, that after going home last evening he found in his private library a general statute providing for the appointment o

cral statute providing for the appointment of deputies by their principals, except in cases where the appointment was otherwise provided for.

AROUGHN OF MR. DYETT.

Mr. Dyett now entered on his argument. He said that having in his previous argument exhausted what he deemed it necessary to say upon the merits of the case, he would be brief and confine himself mainly to the jurisdiction of the Court in the matter. He insisted that the only way of settling the matter was by quo varranto. He reviewed the complaint of the Chamberlain assumed that to him solely belonged the right to appoint a deputy. He did not ask the Court to settle the chamber he rival consistents to the office, but singled out Mr. Foley and asked the Court to restrain him from any attempt to assume the functions of a Deputy Chamberlain. He insisted that before the Chamberlain could have any standing in Court he must first show his right to appoint a deputy. The relief asked for was that Mr. Foley be restrained from acting as deputy. The temperary injunction must be part of the relief. What final judgment could they ask for without first trying Mr. Foley's right to the office. There is another aspect of the case—the appointment of Walter B. Palmer as Deputy Chamberlain.

A JUDICIAL EXPLANATION.

question is whether the deiendant is entitled to go and do what he dees in the Chambertain's office or whether he is an intruder. If he is an intruder why should he not be restrained temporarily sind by decree?

MR. Dyett answered this question by saying that Mr. Paimer had no right to bring this action except in the presence of the Attorney General. He objected to the form of the action and insisted that the plaintin had no remedy except by que tearvanto. The Chamberlain's office, he went on to say, was the office of a corporation. He was the chief. The whole struggle was really between the Comptroller and the Chamberlain's office, he went of the chief. The whole struggle was really between the Comptroller and the Chamberlain. He called attention to the controversy between Judges Davis and Cowies as to which was elected to the Supreme Court bench, and how both occupied the bench at the same time, one giving orders and the ether reversing them. He traced the history of que warvanto, in England the title to office in with the Ring, and in this country it my with the people. If Mr. Feley was restrained, as asked for by Mr. Paimer, he was, he urged, without legit remedy. He could not do anything in opposition to the decree or the Court without being in contempt of court. He releared to various authorities giving what he claimed to be decisions in analogous cases showing that the Court had not jurisdiction in the case. The Court, he continued, could not pass a final decree because of its mability to pass upon the right to the office. If was notody's business who held the office except the people of the State. There was a power above the Chamberlain. This power was vested in the Mayor and Commonaity of the city as the representatives of the people. Until the other side could procure some authority showing the undoubted jurisdiction of the Court, the Court, he continued of a paient, the Court would have to send the amant to the federal courte, inasmuch as such rounds in this was not all the first part of the Court wo

groups security, or rather offered bonds in this amount.

Judge Edmonds—Mr. Walter B. Palmer has nothing to do with this case.

Mr. Dyest—But your argument is a very singular one, as by your own showing Walter B. Falmer has no right to act as Deputy Chamberiain.

Judge Edmonds—I have recited the law, and apply it to Mr. Foley. That is the law, certain.

Mr. Foley shook his head, as It implying a negative to the counsel's statement.

"You may shake your head," said Judge Edmonds, "but there is nothing in it."

"That is an old joke of Curran's, a hundred years old at least," said Mr. Dyett.

"Iknow it," said the ex-Judge, "but its application is perfectly appropriate in the present case."

Judge Edmonds in his further remarks answered the arguments of the opposing counsel in the order in which they had been advanced. He contended that the present was a very clear case for the interference of judicial, authority in the manner solicited.

that the present was a very ocar case for the in-terference of judicial suthority in the mainer solicited.

Mr. Dyett briefly responded. He gave his views in another light upon the act of 1868. He char-acterized it as a scheme to throw dust in the people's eyes. Great stress was made of the banks where the city funds are deposited paying the office rent of the City Chamberlish, whereas he did not have a cent of rent to pay.

At the close of the argument Judge Barbour took the papers and ordered the temporary injunction

to continue until he rendered his decia on, which would be at the earliest time possible.

DELAYS IN EXAMINATION.

Kept Two Weeks in the Tombs without a Hearing-Lashing Police Magistrates for Derilection in Duty.

Application was made yesterday before Judge Barrett at Supreme Court Chambers for the release on writ of habeas corpus upon bail of Kalman Lippe. The counsel for Lippe stated that on the 6th instant he was arrested upon a charge of

"What kind of a place did the man ke quired the Judge.
"A picture gailery," replied the counsel.
"Damaged much?"
"All burned up."
"Any insurance?"
"Yes, \$1,100,"
"Did that cover the loss?"
"No, not a third."

"Any insurance?"
"Yes, \$1, 100."
"Did that cover the loss?"
"No, not a third."
"The charce against him, I suppose, is arson?"
"Yea, sir; but there is no proof to sustain it."
"Yea, sir; but there is no proof to sustain it."
"Yea, sir; but there is no proof to sustain it."
"Yea, sir; but there is no proof to sustain it."
"Has there been any examination before the committing magistrate?"
"No, sir, and bail has been refused."
"That is all wrong," said the Judge, with some war, ith, "to keep a man in custody two weeks without an examination. Police magistrates should 'o nothing of this sort."
Assistan 'District Attorney Rollins opposed the application. Bedwelt upon the heinounness of the application. Assistan that next Monday had been set down, or the examination. The prisoner's counsel urged in side of the case at some length, but if being late when the matter was brought before the Court the Orther argument in the case was postponed will the morning.

BUSINESS IN THE OTHER COURTS.

SUPREMS COURT-CHAMBERS. By Judge Barreth

Pursell vs. Ordway.—Motion granted to payment of referee's fees, trial fees and \$10 costs of this

Degraaf et al. vs. Midgly et al.—Motion demaid, with \$10 costs. s, Jr., va. Schulhoff et al.—Allowance of \$225. ranted. Kindburg vs. Weinberger.—Motion granted. Dorn et al. vs. Lerser.—Order granted. Seniton vs. Hamann.—Motion granted. Balley vs. Balley.—Report confirmed.

Decisions.

Wheeler vs. Ruckwer.—Order of affirmance adgment. Newfield vs. Josephs.—Order of discontinuance. Ball vs. Kellogg (two cases).—Orders for jud

Ball vs. Kellogg (two cases).—Orders for judgment.

Allemnania Fire Insurance Company vs. Prindie et al.—Order of reference.

Stanton vs. Dempsey.—Order of final judgment.

By Judge Freedman.

Union National Bank of Pittsburg vs. George M. Wheeler.—Judgment for plaintid.

Sturn vs. Williams.—Case settled.

By Judge van Vorst.

Haring vs. Rubber Tip Pencil Company.—Motion denied.

Eugene Finch vs. Emil Justh.—Order settled. COMMON PLEAS-SPECIAL TERM. Decisions.

Decisions.

By Judge Loew.

Caroline Oestonelcher vs. Jacob Oestonelcher.—
Judgment of divorce granted to plaintif and custody of child awarded to her.

Tracey vs. Vandewater.—Order settled.
Bartlett vs. Tracynor.—Ball approved.
Gross vs. Gross.—Motion granted.
Newkirk vs. Newkirk.—Motion for attachment granted in case derendant does not pay the ailmony within four days.

Burkart vs. Burkart.—Motion granted.

By Judge J. F. Daly.

Herrick vs. Houghtaling.—Metion granted.

MARINE COURT-PART 2. Action on a Written Proposal.

was brought to recover the sum of \$450 on s

fendant. It appeared that the plaintiff excavated the cellars to a certain depth and the trendles sufficient to enable the builders to lay the foundation of the building, but failed to clear the centre of the cellars to the depth required.

The plaintiff gave testimony to the effect that he performed the work in accordance with the directions of the defendant; that he excavated the earth to the desired depth, and that nothing remained but rubbish, which he wasn't bound to remove. In this the plaintiff was certoborated by his foreman. The defendant set up a counterclaim of \$50, and gave testimony to the effect that he paid over \$500 for performing the work, which the pisintiff failed to perform; that the plaintiff failed to excavate the cellars to the required depth. In this he was corroborated by his foreman and two workmen, who performed the labor. After the testimony was closed the Court charged the jury, who rendered a verdict for the defendant. For plaintiff, John Shaw; for defendant, George Carpenter.

COURT OF GENERAL SESSIONS.

The trial of Edward P. Banning, Jr., charged with forging an order purporting to have been signed by Fellows, Hoffman & Co., directing James Sutton & Co. to insert an advertisement in the Aldine, was resumed yesterday. The accused was an advertising agent for that paper, and it is charged that he presented the order so as to procure money from Sutton & Co. Evidence was adduced on Wednesday to show the good character of the defendant, and Jesterday the prosecuting efficient presented rebutting testimony. Messrs. Goodfich and Glover testified that the general reputation of Banning was bad, and that they discharged him because he cheated them.

After a lengthy and able summing up by Mr. Mott for the prisoner and Mr. Russell for the prosecution Judge Sutherland charged the jury in an impartial manner, stating that the testimony of the complainant and the accused was wholly irreconcilable. The jury after deliberating for some hours and being unable to agree were discharged from the further consideration of the case. Banning was remanded to prison.

A Dishemest Dry Goods Clerk.

Morris Hyman, who was indicted for stealing a piece of silk worth \$65 and one piece of cashmere

Morris Hyman, who was indicted for stealing a piece of silk worth \$65 and one piece of cashmere valued at \$22 50 on the 26 of December, the property of James McCreery & Co., pleaded guitty to an attempt at grand larceny. Assistant District Attorney Russell said that in accepting that pies the prisoner ought to receive the full punishment as an example to clerks engaged in these large houses.

Mr. Howe made an earnest appeal to His Honor to send Hyman to the Penitentiary instead of the State Prison, in order that his respectable family might not be diagraced.

Judge Sutheriand remarked that he had a solemn duty to perform, and that he should not permit his judgment to be warped by sympathy. He sentenced the prisoner to the State Prison for two years.

Burglary.

John Mulien, charged with burgiariously entering the premises of Henry Bryan, in Pulson Market, and stealing ten dollars' worth of chickens, pieced quilty to an attempt to commit the effence. He was sent to the State Prison for two years and six months.

Pickpookets sent to Sing Sing.
Patrick Nugent pleaded guilty of petit larceny from the person in stealing a pocketbook containing \$6 from Mrs. Sonheimer while she was walking through Fifty-second street. The City Judge sentenced the young thief to the State Prison for

sentenced the young thief to the State Prison for two years.

Frederick Foss was tried and convicted of larceny from the person in stealing a gold watch and chain from William Schmidt on New Year's night while passing through avenue A. The endence showed that the complainant and his friends were walking along and that the prisoner snatched the watch and chain and ran away. He was pursued and threw the watch in the snow. As the youth proved a previous good character His Honor did not impose the punishment inflicted upon professional pickpockets. Foss was sent to Sing Sing Prison for two years and six months.

John Williams and John Johnson, two colored men, residing in York street, entered the jewelry store of Solomon Rice, 276 Eighth avenue, on Thursday and asked to see some watch chains. A tray containing a number was pinced before them, and after examining them they passed out without purchasing. The salesman at once observed that one of the chains was missing, and the men were pursued and arrested. They were arraigned at Jeferson Market yesterday and committed, in detault of \$1,000 ball, to answer.

raigned, charged with the theft of a ton of conl. He told the Court he took the coal to make fire for the Winter, which the Court thought too honest a

the Winter, which the Court thought too honest a confession on the part of the prisoner to be of any credit to him, and committed him for trial.

L. Michael, proprietor of a second-hand clothing store at 710 Third avenue, was arrested on a warnt charging him with having in his possession a uniform and its accompanying equipmenta, because a to the Eighty-fourth Regiment, N. G. 8, 64 longts aptain McKinley, of Company I, was the applied for the complaints the accussed, who refused to give it up, property to the art he had honestly purchased it, on the ground that he applied for examination.

Patrick Pitzgerald, of No.

Michael was hele nation.

Patrick O'Donnell are Patrick Pitzgerald, of No.

Patrick Pitzgerald

THE HON. JUDGE NELSON.

His Retirement from the Supreme Court of the United States.

Important Meeting of the Bar-An Address To Be Presented to the Eminent Jurist-Speeches of Charles O'Conor, Edwards Pierrepont, Clarence A. Seward and William M. Evarta

Testerday an inducatial and largely attended meeting of members of the bar of this city and State was held in the Court four the purpose United States Circuit Court for the purpose to the regent of taking some action in reference to the recent retirement of the Hon. Judge Samuel Nelson from the Supreme Court at Washington, of which he had been for so long aperiod a distinguished member. The fact that the period a distinguished member. The fact that the meeting was called to pay a deserved compliment to a Judge who has for a period of fifty years (wanting only three months) held an honored place upon the bench, and the proceedings to which this occasion gave rise, constitute an event unprecedented in the judicial history of America, and never yet equalities through the long annals of English jurisprudence. Of course, Judge Nelson himself was not present; but his portrait, painted by Mr. Brandt, hung upon one of the walls of the Court room, reminding those in attendance of the fea-tures of the eminent magistrate whom they nity as Circuit Judge in this district Shortly after two o'clock Judge Bosworth moved that the meeting be organized under the presidency of Mr. Charles O'Conor. Mr. O'Conor having taken the chair.

gentlemen be appointed

VICE PRESIDENTS: James W. Gerard, Murray Hofman, Edgar S. Van Winkie, J. S. Bosworth, Welcome R. Beebe, Henry Nicol, John McKeon, E. C. Henedict, John K. Porter, Henry E. Davies, E. J. Pneips, John Ganson, George B. Hibbard, Lyman Termain, Francis Kernan, Henry E. Seiden, Samuei Hand, R. D. Hubbard, C. A. Ingersoll, H. E. Stoughton. The motion was adopted.
On the motion of Mr. C. A. Seward Mr. Sidney

SPRECH OF MR. CHARLES O'CONOR.

Mr. O'Conor then rose and said:—

Brettern of the rose and said:—

active duty. His illustrations of practical justice remain for our enlightenment and will descend to posterity. In these—his gifts to man—the present and the future are participants alike; but in some things we are exclusively his beneficiaries. His magnificent demeanor on the Bench was a model of all the judicial graces. In that high place has princely bearing and lion front inspired overy honest suitor with condence, while it paralyzed the most audacious guit. These things we have witnessed and will ever remember; but neither tongue nor pen can convey to future times an adequate portraiture of them. These memories and the pleasure of contemplating him in the serenely tranquil retirement which closes his great career are our own. The Augustan age of our jurisprudence, when wells and Emmet argued the causes which Kent and Spencer decided, is happily connected in history with all that is now recognized as best and purest by the period which Nelson adorned. Patriotism and pre essional pridecan hope for no more than that the rising lawyers of to day may sustain and transmit to worthy successors the great fame derived by their class from such high sources and through such a noble channel. (Applause.)

ADDRESS TO JUDGE NELSON Mr. E. W. Stoughton moved that an address be presented to Judge Nelson, and the following gen-tlemen were named by the Chair as the committee on address:—E. W. Stoughton, B. D. Silliman, Theodore W. Dwight, George Giffard, and C. Van Sant-

This committee soon prepared an address,

who rendered a verdict for the décadant, Tory plantist, John Shaw; jor defendant, Scorge Capitality.

COURT of ERRAL ENSIR.

Before Judge Sutherland.

The Alleged Pergery Upon the Propriete tors or the Aldine—Blangreement of the Jary.

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